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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,351	09/24/2001	Anders Lindberg	3372-0108P	6239
2292	7590	10/06/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,351

Applicant(s)

LINDBERG, ANDERS

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/10/06 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yi (6,094,427)** in view of **Miller (6,477,163)**.

As to claim 1, note the **Yi** reference figs. 4 and 8-9, discloses a communications system handoff operation combining turbo coding and soft handoff techniques and further discloses a method of test receiving alternative reception frequencies in a receiver receiving a continuous flow of information at a first reception frequency, the continuous flow of information including a user terminating information, the receiver

including an information transfer routine that extracts a flow of specific user terminating information from the received continuous flow of information, the method comprising:

The claimed “an antenna and a demodulator...” are inherent to Receiver of Mobile Station 401 (figs.4 and 8);

Determining (Search Receiver ‘SR’ 805/Control Processor Unit ‘CPU’ 816 ‘SR/CPU 805/816’, fig.8, col.17, lines 20-39) an interruption in the flow of specific user terminating information (stream of digital data, voice, image, video, text file or multimedia, col.11, lines 65-67); Evaluating the interruption (SR/CPU 805/816, fig.8, col.17, lines 20-39) if it will be of an adequate length of time, and generating a positive response if it is evaluated that the interruption will be of an adequate length of time (fig.8 and col.16, line 65-col.17, line 48);

Changing reception frequency of the receiver from the first reception frequency (CPU-816, fig.8, col.17, lines 20-39) to an alternative reception frequency if the evaluation has generate a positive response;

Test receiving the alternative reception frequency (CPU-816, fig.8, col.17, lines 20-39; enabling reception and extraction of the flow of specific user terminating information (col.17, lines 20-39); note that during handoff period between Base Station ‘BS’ A and Base Station ‘BS’ B, a Search Receiver 805 of Mobile Station ‘MS’ 401 (fig.4, col.11, 25-30, which includes 3 receivers), continuously scans the pilot signals from the base station currently serving the MS-401, as well as other BSs in the vicinity and measures the ratio “test” of the received pilot signal’s energy-per-chip to the total received interference spectral density, including the noise as measure of the pilot signal

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strength, this information is communicated to CPU-816 to select and process signals from two different BSs A and B.

Yi teaches determining an interruption and scans various frequencies to switch to an alternative frequency, but fails to explicitly teach predicting an interruption in the flow of specific user or transceiver terminating information.

However, note the **Miller** reference figures 1-5, discloses a radio transceiver which predicts an interruption in the flow of specific transceiver terminating information and searches for availability of alternate channels (col.2, line 44-col.3, line 11, col.3, lines 57-65, col.4, line 35-col.5, line 38).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Miller into the system of Yi quickly determine in advance actual availability of other channels to enable the transceiver to quickly switch to an alternate channel.

As to claims 2-3, Yi further discloses where the receiver is receiving the continuous flow of terrestrial digital video/audio broadcasting (DVB-T/DAB) transmission (col.11, lines 65-67).

As to claim 4, Yi further discloses where the interruption comprises the steps of: determining a probability that the interruption will be of an adequate length of time, determining if the probability is larger than a predetermined threshold value and if is determined that the probability is larger than the predetermined threshold value then it is evaluated that the interruption will be of an adequate length of time (col.17, lines 20-39).

As to claim 5, Yi further discloses where an adequate length of time of an interruption is at least equal to a total time of one test reception and one frequency (col.17, lines 20-48).

Claims 6-9 are met as previously discussed with respect to claim 1.

Claim 10 is met as previously discussed with respect to claim 1.

Claim 11 is met as previously discussed with respect to claim 1.

Claim 12 is met as previously discussed with respect to claim 1.

As to claims 13-14, Yi further discloses where enabling reception and extraction of the flow of specific user terminating information (SUTI) is performed after a predetermined time after the information transfer routine has requested more information (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65).

As to claims 15-16, further discloses where enabling reception and extraction of the flow of SUTI is performed after the information transfer routine is activated and after a predetermined period of time (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65).

As to claims 17-23, Yi further discloses determining a list of alternative frequencies, the claimed "changing reception frequency...." "test receiving the further alternative frequency (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65), evaluating the test reception or test receptions based on one or more parameters of the test received alternative frequency or frequencies, where enabling reception and extraction of the flow of USTI comprises changing the reception frequency to the first

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reception frequency and initiating a handover to an alternative frequency (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65).

As to claims 24-29, the claimed limitations are met as previously discussed with respect to claim 1.

As to claim 30, the claimed "a receiver being arranged to receiving a continuous flow of information..." is composed of the same structural elements that were discussed in the rejection of claim 1.

Claims 31-32 are met as previously discussed with respect to claims 2-3.

As to claims 33, Yi further discloses continuously evaluating and determining the best frequency within a predetermined time during the handoff (col.13, lines 45-58, col.17, lines 20-65 and col.19, lines 45-65).

Claims 34-37 are met as previously discussed with respect to claims 17-23.

Response to Arguments

4. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection discussed above. This Office Action is Non-final.

Conclusion

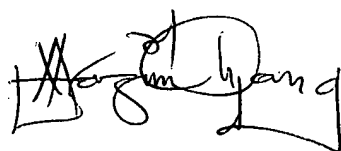
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shinozaki (5,568,135) discloses remote control method and unit for a radio unit.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', written over a rectangular box.

Annan Q. Shang